

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Panchayats – Achanpally Gram Panchayat – Appeal Petition filed by Sri G.Vasuram Naik, Sarpanch (Removed), Achanpally Village of Bodhan Mandal of Nizamabad District – Against Proceedings of the District Collector (PW), Nizamabad District - Rejected - Orders - Issued.

PANCHAYAT RAJ AND RURAL DEVELOPMENT (PTS.II) DEPARTMENT

G.O. Rt. No. 688

Date: 18- 05-2010.
Read the following:

1. From the Dist. Collector, Nizamabad Dist., Procds. No.677/2009-B5(Pts)-2, Dated 19-02-2010.
2. Appeal petition received from Sri G.Vasuram Naik, Achanpally Gram Panchayat, Bodhan Mandal, Nizamabad District. dt. 25-2-2010.
3. From the DPO, Nizamabad Roc. No. 677/2009-B5 (Pts), dt 22-03-2010.
4. WP No. 4942/2010 of Hon'ble H.C of A.P. dt 4-03-10.
5. C.C No.457 of 2010 in WP No.4942 of 2010, dt.22.3.2009.
6. Govt. Memo. No. 5186/Pts.II/A1/2010-2, dt 31-03-2010.
7. Govt.Telegram No.4570/Pts.II/A1/2010-4, dt. 13.4.2010.

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ORDER:

In the reference 1st read above, the District Collector (PW), Nizamabad District has removed Sri G. Vasuram Naik from the Post of Sarpanch of Achanpally Gram Panchayat, Bodhan Mandal of Nizamabad District U/s 249(1) of Andhra Pradesh Panchayat Raj Act, 1994 for misappropriation of 2nd Finance Commission Funds and 12th Finance Commission Funds and Gram Panchayat Funds to a tune of Rs. 1,80,928/- and Rs. 3,67,213/- for irregular procedure.

2. Aggrieved by the said orders, in the reference 2nd read above, Sri G. Vasuram Naik, Sarpanch (removed), Achanpally Gram Panchayat, Bodhan Mandal, Nizamabad District has filed an Appeal Petition before Government on 25-02-10.

3. In the reference 3rd read above, the District Panchayat Officer, Nizamabad has stated that the Sarpanch has booked expenditure to a tune of Rs. 3,67,213/- on various works as per M. Books but he failed to get the check measurement of works in M. Books. Thus he has committed procedural irregularity and made payments of Rs. 3,67,213/-. Further the Sarpanch has booked expenditure to a tune of Rs. 1,80,928/- but he failed to submit the records and he has not got the approval in gram Panchayat meeting. Thus he has misused Rs. 1,80,928/-. Hence he has been removed from the post of Sarpanch u/s 249 (1) of APPR Act, 1994.

4. In the reference 4th and 5th read above the Petitioner has filed a WP No.4942/10 before the High Court and the Hon'le High Court in its order dated 4-03-2010 has observed that the Government may pass appropriate orders in the suspension petition within a period of two weeks and also dispose of the appeal as expeditiously as possible, preferably, within a period of three months. Subsequently, the petitioner has filed a Contempt case. In the reference 6th read above Government while examining the above court cases has granted stay against the proceedings of the District Collector (PW), Nizamabad and requested the District Collector (PW), Nizamabad to furnish his report in the matter.

5. The case was heard on 22-04-2010. The Sarpanch and the District Panchayat Officer, Nizamabad District were attended the hearing. The Sarpanch has sought for some more time to produce the records for the works executed. It has observed that the Collector removed the Sarpanch from office on the ground that he has resorted to misuse of funds and abuse of power. The Collector has also held that an amount of Rs.1,80,928/- was misappropriated by the Sarpanch and that the works said to have been carried out were not check measured. It has also noticed that the Gram Panchayat has not accorded approval for the works executed by the Sarpanch. Executing the works without the sanction of Panchayat is a clear abuse of power under the Act. The Sarpanch has failed to exercise supervision and control over Panchayat Secretary and as a result, the Panchayat Secretary resulting in misappropriation of Panchayat funds to an extent of Rs.2,29,074/-. It is clear from the records that the Sarpanch has abused the powers conferred upon him under the Act and also resorted to misappropriation of funds.

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6. Government after careful examination of the matter and consider that the orders of the District Collector issued vide reference 1st read above are in accordance with the provisions of the APPR Act, 1994. Hence the Appeal Petition filed by Sri G. Vasuram Naik, Sarpanch (removed) Achanpally Gram Panchayat, Bodhan Mandal of Nizamabad District is hereby rejected duly vacating the stay granting vide reference 6th read above.

7. The District Collector (PW), Nizamabad District shall take necessary further action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**M.V.P.C. SASTRY,
PRINCIPAL SECRETARY TO GOVERNMENT**

To

The District Collector (PW), Nizamabad District.

The Commissioner, Panchayat Raj and Rural Employment, Hyderabad.

The District Panchayat Officer, Nizamabad District.

Copy to:

G. Vasuram Naik, Sarpanch, Achanpally Gram Panchayat,
Bodhan Mandal of Nizamabad District

Addl. O.S.D. to M(PR)

Law (A) Department.

Sf/Sc.

// FORWARDED:: BY ORDER//

SECTION OFFICER